

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** :


v. :

**CRIMINAL NO. 11-434**

**CERTAIN PERSON(S)**

**FILED**

NOV 14 2012

MICHAEL E. KUNZ, Clerk  
By  Dep. Clerk

**ORDER**

AND NOW, this 14<sup>th</sup> day of November, 2012, upon

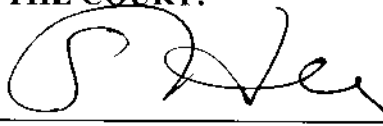
consideration of the Government's Motion to Impound Indictment, and accompanying docket papers, and after balancing the public right of access to court documents with the government's interest in protecting ongoing criminal investigation and protecting against the risk of the defendants fleeing prior to arrest in this matter, it is hereby

**ORDERED**

that the within indictment and accompanying docket papers are IMPOUNDED and to be retained in the custody of the Clerk of Court until notified by the United States Attorney that the defendant has been arrested and the indictment can be unimpounded, except that the Clerk is authorized to disclose to the attorney for the government the docket number and district court judge assigned to the case, and the attorney for the government is authorized to disclose the indictment to the district court judge assigned to the case. The Clerk of Court is directed to make no public docket entry of the sealed documents and motion and order to seal, and to provide copies of all sealed documents only to Michelle Rotella / Nancy Beam Winter, Assistant United States Attorney.

IT IS FURTHER ORDERED THAT, the Clerk is directed upon notice from the United States Attorney's Office to remove the docket papers hereby impounded and restore the same to the public docket.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'E. Hey', is written over a horizontal line.


**HONORABLE ELIZABETH T. HEY**  
**United States Magistrate Judge**

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**CRIMINAL NO. 11-434**

**MOTION TO IMPOUND INDICTMENT**

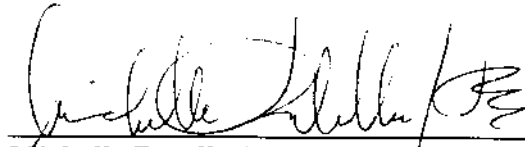
The United States of America, by and through its attorneys, Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, and Michelle Rotella / Nancy Beam Winter, Assistant United States Attorneys for the District, move to impound the within documents and in support of its Motion states as follows:

1. The within indictment, and accompanying docket papers, are documents which, if made public would jeopardize the government's interest in protecting ongoing criminal investigation and protecting against the risk of the defendant's fleeing prior to arrest in this matter.
2. Although the public has a common law right of access to judicial proceedings and papers, matters relating to protecting an ongoing criminal investigation and protecting against the defendant's fleeing prior to arrest, are traditionally conducted ex parte and in camera, with deference to the government's determination that the information should be sealed.
3. Accordingly, balancing the public's right of access to judicial documents with the government's interest in not jeopardizing ongoing criminal investigation and in protecting against the risk of the defendant's fleeing prior to arrest in this matter, the government

respectfully requests that the government's Motion be GRANTED. The government further requests that the Clerk of Court be directed to make no public docket entry of the sealed documents and motion and order to seal, and to provide copies of all sealed documents only to Michelle Rotella / Nancy Beam Winter, Assistant United States Attorneys. It is further requested that the indictment shall be unimpounded upon notice of the United States Attorney that the defendant(s) has [have] been arrested.

**Respectfully submitted,**

**ZANE DAVID MEMEGER**  
**United States Attorney**

A handwritten signature in black ink, appearing to read "Michelle Rotella", is written over a horizontal line. To the right of the signature is a large, stylized initial "R".

**Michelle Rotella / Nancy Beam Winter**  
**Assistant United States Attorneys**